

MAR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

STEVEN GLAUDE,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

No. 05-15542

D.C. No. CV-04-00473-
MCE/KJM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted March 8, 2006**

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

California state prisoner Steven Glaude appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to state a

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

claim. We review de novo, *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998), and we affirm.

The district court properly dismissed Glaude's action as barred by *Heck* because his complaint necessarily calls into question the lawfulness of his criminal conviction and he has failed to show that his conviction has been reversed. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).

AFFIRMED.